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Human Rights Committee

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Summary record (partial)* of the 2863rd meeting

Held at Headquarters, New York, on Monday, 12 March 2012, at 10 a.m.

Chairperson: Ms. Majodina

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.20 a.m.

Opening of the session by the representative of the Secretary-General

1. **Mr. Šimonović** (Representative of the Secretary-General) said that the human rights treaty body system had grown considerably. The newest treaty body, the Committee on Enforced Disappearances, whose mandate was to consider State party reports, receive individual and inter-State communications, and undertake inquiries, had held its first session in Geneva in November 2011. A third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, had been adopted by the General Assembly; it had been signed by 20 States at a ceremony in February 2012.

2. While he welcomed such developments, which would contribute greatly to the protection of human rights, he also saw them as reminders of the concomitant increase in the work of the treaty bodies and the Secretariat: the situation was no longer viable. In recognition of the growing challenge, the United Nations High Commissioner for Human Rights had called for the strengthening of treaty bodies; in June 2012, she would release her report, including conclusions and recommendations on the strengthening process, which had been under way since 2009. Follow-up to the report would depend on the action taken by treaty bodies and States; accordingly, the High Commissioner had focused her consultations on those principal actors.

3. A number of other important developments had taken place since the Committee's last session. In November 2011, following a painstaking process of consolidating the results of consultations held over the previous two years, the Dublin II Outcome Document had been adopted; both electronic and hard copies had been provided to the Committee members. The Outcome Document, which had already been endorsed by many individual treaty body members, as well as by the Committee on the Rights of the Child, as a Committee, included practical recommendations for treaty bodies, States and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Committee's views on the Outcome Document and the strengthening process in general would be valuable in the preparation of the High Commissioner's report, and would also signal the level of commitment of the treaty bodies to implementing the recommendations.

4. The Committee should consider creative solutions to the challenges it faced. OHCHR would continue to provide, as necessary, detailed information on the resources available to the treaty bodies and to the Human Rights Committee, in particular. In the meantime, while the General Assembly had not reduced the resources available to the Committee for the next biennium, it had not provided for an increase in them either. The Committee was encouraged to convey its concerns directly to Member States. He welcomed the fact that the General Assembly had decided in resolution 66/148 on the International Covenants on Human Rights to allow the Chairs of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to engage for the first time in an interactive dialogue with the General Assembly at its sixty-seventh and sixty-eighth sessions. Such a dialogue would be an excellent opportunity for the Chairperson to raise awareness of the Committee's work and the challenges it currently faced.

5. The High Commissioner for Human Rights had also pursued consultations with States in respect of the strengthening process. She had facilitated a second informal consultation for States parties in Geneva in February 2012 and would facilitate one in New York in April 2012. States parties had become increasingly interested in the work of the treaty bodies, as illustrated not only by the large number of participants attending the consultations but also by the significant number of substantive written submissions received from States parties regarding the strengthening process. A compilation of those submissions had been provided to the Committee. In addition, the General Assembly had adopted resolution 66/254, on an open-ended intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system. Despite the concerns raised by some stakeholders about that process, the initiative might be seen as an extension of the process begun by the High Commissioner for Human Rights. It was appropriate and, indeed, necessary that States parties should reflect on how to resolve the financial challenges facing the treaty bodies.

6. OHCHR would do its utmost to ensure that the treaty bodies retained a strong voice in the strengthening process and would continue to insist that key principles, including the independence of the treaty bodies, the need to uphold the existing legal framework and the multi-stakeholder approach, should be borne in

mind throughout the process. It was hoped that, following consultations with all stakeholders, discussions would move beyond possible courses of action to practical measures to be taken.

7. **Mr. Thelin** said it was regrettable that the General Assembly, by adopting resolution 66/254, had initiated a strengthening process parallel to that started by the High Commissioner for Human Rights. It would have been better for all concerned to wait for the issuance of the High Commissioner's report. The resource situation had become untenable: in spite of the requirement set out in article 36 of the Covenant, the Committee's workload had increased, but its resources had not. The Secretary-General himself should review the situation so as to ensure that treaty body support by the Secretariat matched needs.

8. Noting that few members of the public were able to attend public meetings of the Committee owing to security constraints at United Nations Headquarters, he suggested that the Secretary-General should study the possibility of providing webcasts of the Committee's session to publicize its work.

9. **Ms. Motoc** said that it was crucial to ensure transparency with regard to resource-related initiatives. Furthermore, it was unclear whether the reform of the human rights treaty body system currently under discussion would be practicable or beneficial. Thus far, it appeared in fact to weaken protection of human rights. It was important to recall that the Human Rights Committee differed from other treaty bodies in that it dealt with more communications than any other body and thus had serious concerns regarding confidentiality.

10. **Mr. Šimonović** (Representative of the Secretary-General) said that while he shared some of the concerns raised by the Committee members, General Assembly resolution 66/254 was an inescapable reality. In any case, the open-ended intergovernmental process introduced by the resolution would begin only once the report of the High Commissioner for Human Rights had been issued. Other matters, such as financial resources and working methods, should be discussed among the treaty bodies themselves.

11. With regard to the application of article 36 of the Covenant, he said that while progress should be made in terms of transparency, treaty bodies knew best how to manage resources, especially when scarce. It was hoped that by working together, treaty bodies, Member States and the Secretariat would find ways of enabling States to meet their legal obligations despite the lack of funding. While the Committee did have its own specific needs, it was important for all the treaty bodies to look for common ground so as to move forward with the reform.

12. He supported the suggestion to provide webcasts of the Committee's public meetings, and said that it would be included in the agenda for consultations of States parties on treaty body strengthening in April 2012. Such an initiative would undoubtedly make States and their representatives more visible and thus more accountable to civil society.

Solemn declaration by the newly elected members of the Committee in accordance with article 38 of the Covenant

13. *At the invitation of the representative of the Secretary-General, the new members of the Committee — Mr. Kälin and Mr. Sarsembayev — solemnly undertook to discharge their duties impartially and conscientiously, in accordance with article 38 of the Covenant and rule 16 of the Committee's rules of procedure.*

Adoption of the agenda (CCPR/C/104/1)

14. *The agenda was adopted.*

Organizational and other matters

15. **Ms. Chanet**, speaking as Chairperson/Rapporteur of the Working Group on Communications, said that the Working Group, composed of nine members of the Committee, had met from 5 to 9 March 2012. The Working Group had considered a total of 28 communications and had decided that two should be declared admissible and eight inadmissible, and that the remaining 17 should be dealt with on the merits. One communication, which required supplementary information, had been deferred.

16. The Working Group had devoted considerable time to discussing working methods and the recurrent issue of the backlog of cases; a number of related suggestions would be submitted to the Committee for review. The Working Group had been particularly efficient, owing largely to the valuable support provided by the secretariat. Nevertheless, its work had suffered from insufficient resources; indeed, it might well have considered additional communications had the secretariat had the resources to prepare more cases. The secretariat might wish to consider reallocating funds so as to further support the Committee's work on communications.

Tribute to the memory of Abdelfattah Amor, member of the Committee

17. **The Chairperson, Ms. Chanet, Ms. Motoc, Sir Nigel Rodley, Mr. Salvioli** and **Mr. Rivas Posada** paid tribute to the memory of Abdelfattah Amor. A message from Mr. Lallah was also read out.

18. *At the invitation of the Chairperson, the members of the Committee observed a minute of silence.*

The discussion covered in the summary record ended at 11.10 a.m.